HONORABLE JOHN C. COUGHENOUR

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

TIMOTHY LINEHAN on behalf of plaintiff and a class, Plaintiff, vs. ALLIANCEONE RECEIVABLES MANAGEMENT, Defendant.	Case No. 15-CV-01012-JCC (Consolidated Actions) PLAINTIFF LINEHAN'S MOTION TO STAY OR EXTEND SCHEDULE ON MOTION FOR CLASS CERTIFICATION NOTE ON MOTION CALENDAR: January 13, 2017

MOTION TO STAY OR EXTEND
SCHEDULE ON MOTION FOR CLASS CERTIFICATION

Plaintiff Timothy Linehan respectfully requests pursuant to Fed. R. Civ. P. 6(b) a stay or in the alternative, an extension of the class certification schedule. In support thereof, Plaintiff Linehan states:

1. On August 30, 2016, an order was entered in this matter extending the time period for Plaintiff Linehan to file his motion for class certification to February 28, 2017. (Dkt. No. 151)

2. On November 22, 2016, an order was entered in the consolidated cases denying Plaintiffs' motion to certify a class. (Dkt. No. 257)

3. Plaintiffs in the consolidated cases have filed a petition for leave to appeal pursuant to Fed. R. Civ. P. 23(f) in the Ninth Circuit Court of Appeals, case number 16-80186.

4. Plaintiff submits that the Ninth Circuit's ruling on the class certification issue will

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be binding in this matter. Because the legal issues in the consolidated cases are identical to those in this case, the ruling will be dispositive of this case.

5. It will provide a significant savings of judicial and party resources to stay the briefing on Plaintiff Linehan's motion for class certification while the consolidated Plaintiffs exhaust all appeals.

6. Plaintiff Linehan respectfully requests that this Court suspend or stay the briefing schedule on Plaintiff Linehan's motion for class certification. Plaintiff Linehan requests that the Court direct the parties in this action only to file a status report on the appeal in the consolidated cases by March 10, 2017.

7. In the alternative, Plaintiff Linehan respectfully requests a 30 day extension of class certification schedule through and including March 30, 2017. One of the attorneys for Plaintiff Linehan who has had primary responsibility for working on this case, Emiliya Farbstein, is out on maternity leave returning mid-February, 2017. The requested extension provides adequate time for her return and work on the motion for class certification.

8. This motion is not filed for purposes of delay.

9. A proposed order for this motion is attached hereto as Appendix A.

WHEREFORE, Plaintiff Linehan respectfully requests a stay or extension of the schedule on Plaintiff's motion for class certification.

DATED: January 6, 2017

Respectfully submitted,

By /s/James A. Sturdevant

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